

U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
FILED

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JENNIFER L. MILLER, CLERK  
DEPUTY CLERKIN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

In re:

WAREHOUSE 86, LLC

Debtor

CASE NO. 08-03423-  
Chapter 11**ORDER GRANTING MOTION TO APPROVE FORM OF FINAL HEARING NOTICE  
AND ESTABLISH NOTICE PARTIES FOR FIRST DAY MOTIONS  
(Dkt. # 15)**

THIS MATTER came on for consideration on the *Motion to Approve Form of Final Hearing Notice and Establish Notice Parties for First Day Motions* (the "Motion") (Dkt. # 15), filed by Warehouse 86, LLC, the Debtor and debtor-in-possession herein (the "Debtor" or the "Company"). The Court finds that the Motion is well-taken and should be approved, and further finds as follows:

1. On November 4, 2008 (the "Petition Date"), Debtor filed its Voluntary Petition under Chapter 11 of the Title 11 United States Code (11 U.S.C. §§ 101 *et seq.*, the "Bankruptcy Code"). No creditors' committee has yet been appointed in this case by the United States Trustee. The Debtor is continuing in possession of its property and is operating its business in the ordinary course as debtor-in-possession.

2. No official committee of unsecured creditors has been appointed in this case.

3. Pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code, Debtor is continuing to operate its business and manages its properties and assets as Debtor in possession.

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (M). Venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409.

5. The relief requested in the Motion is made pursuant to Rules 2002, 4001(b)(1)(A) and 9014 of Federal Rules of Bankruptcy Procedure.

6. The Debtor has filed numerous motions (the "First Day Motions") that seek entry of interim orders granting the requested relief, preliminarily and on an interim basis until these motions can be heard on a final basis, after further notice and opportunity to object have been provided.

7. The Debtor has requested the Court to approve the form of the "Notice of Hearing on First Day Motions" attached hereto as Exhibit "A" (the "Notice"), which identifies the First Day Motions, establishes the date of the final hearing thereon and the deadline for filing objections thereto and instructs parties receiving the Notice how to obtain copies of the First Day Motions.

8. The Debtor has further requested that the Court deem service of the Notice in the manner set forth herein to be adequate if served on the following parties: (a) the Debtor; (b) the United States Trustee; (c) Stuart M. Irby; (d) the 20 largest unsecured creditors of the Debtor; (e) the United States Attorney; (f) all applicable federal and state taxing authorities; and (g) any other party directly affected by any First Day Motion, including utilities and insurance companies.

9. The Debtor has submitted that approval of the Notice and its service on the parties identified above is in the best interests of the Debtor's estate.

IT IS THEREFORE, ORDERED, that the Debtor respectfully requests that the Court enter an Order granting it the following relief:


A. The Motion is granted in its entirety; and

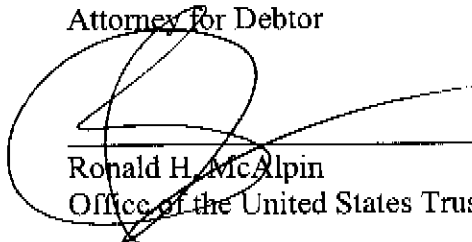
B. The form of the Notice and its service upon the parties identified above is hereby approved.

SO ORDERED, this, the 7<sup>th</sup> day of November, 2008.

  
EDWARD ELLINGTON  
UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM:

  
Stephen W. Rosenblatt (MS Bar No. 5676)  
Attorney for Debtor

  
Ronald H. McAlpin  
Office of the United States Trustee

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

|                   |   |                    |
|-------------------|---|--------------------|
| In re:            | ) |                    |
|                   | ) |                    |
| WAREHOUSE 86, LLC | ) | CASE NO. 08-03423- |
|                   | ) | Chapter 11         |
| Debtor            | ) |                    |
| _____             | ) |                    |

**NOTICE OF FINAL HEARING ON FIRST DAY MOTIONS**

**PLEASE TAKE NOTICE** that Warehouse 86, LLC, the Debtor and debtor-in-possession herein (the "Debtor" or the "Company"), filed for relief on November 4, 2008 under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

**PLEASE TAKE FURTHER NOTICE** that the Debtor has filed and the Court will consider granting final relief on the following motions and any interim orders entered thereon:

**First Day Motions and/or Applications for Warehouse 86, LLC**

1. *Motion to Approve Form of Final Hearing Notice and Establish Notice Parties for First Day Motions;*
2. *Emergency Motion for a Preliminary and Final Order (I) Authorizing Post-Petition Financing on a Secured and Super Priority Basis Pursuant to 11 U.S.C. §§ 105, 361, 363, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1) and 507(b), (II) Granting Other Related Relief and (III) Scheduling a Final Hearing Pursuant to Rule 4001;*
3. *Emergency Motion (1) Authorizing Interim Use of Cash Collateral; (2) Providing Adequate Protection under 11 U.S.C. § 361 and 363; and (3) Setting Date for Final Hearing on Use of Cash Collateral of Stuart M. Irby;*
4. *Motion for Authority to Pay Certain Pre-Petition Employee Obligations and Post-Petition Workers Compensation Premiums;*
5. *Emergency Motion for Authorization to Maintain Existing Bank Accounts and Cash Management System;*
6. *Motion for Authority to Pay Post-Petition Installments on Insurance Policies Necessary to Maintain Insurance Coverage;*
7. *Motion for Interim and Final Orders: (A) Prohibiting Utilities from Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtor on Account of Pre-Petition Amounts Due; (B) Determining that the Utilities are Adequately Assured of Future Payment; (C) Establishing Procedures for Determining Requests for Additional Assurance; and (D) Permitting Utility Companies to Opt Out of the Procedures Established Herein; and*

8. *Motion for Authority to Pay Collected Pre-Petition Sales and Use Taxes in the Ordinary Course*
9. *Application of Debtor to Employ Butler, Snow, O'Mara, Stevens & Cannada, PLLC as its Attorneys and Disclosure of Compensation.*

(collectively, the "First Day Motions").

Copies of the First Day Motions and the interim orders entered with respect thereto are on file and are available for review at the Office of the Clerk of Court of the United States Bankruptcy Court at the address set forth below. Copies of the First Day Motions may also be obtained via the Court's ECF filing system website or upon written or electronic mail request to undersigned counsel.

**PLEASE TAKE FURTHER NOTICE** that a final hearing on the First Day Motions will be held and begin on **December 2, 2008 at 11:00 o'clock a.m.** before the Honorable Edward Ellington, United States Bankruptcy Court, Southern District of Mississippi – Jackson Division, United States Bankruptcy Courthouse, 100 East Capital Street, Jackson, Mississippi 39201.

**PLEASE TAKE FURTHER NOTICE** that any interested party having an objection or response to final relief being granted with respect to any of the First Day Motions must file a written objection or response with the Clerk of Court, United States Bankruptcy Court, Southern District of Mississippi – Jackson Division on or before **December 1, 2008.**

THIS the 7<sup>th</sup> day of November, 2008.

Respectfully submitted,  
WAREHOUSE 86, LLC

By: \_\_\_\_\_  
Stephen W. Rosenblatt (MS Bar No. 5676)  
John A. Crawford, Jr. (MS Bar No. 10346)  
Paul M. Ellis (MS Bar No. 102259)

ATTORNEYS FOR DEBTOR

OF COUNSEL:

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**NOTICE OF ANNEX 1**

Pursuant to 11 U.S.C. § 342, the name, address and last four digits of the tax identification number for the Debtor are as follows:

Warehouse 86, LLC  
5 River Bend Place, STE D  
Flowood, MS 39232

EIN: xx-xxx9964

Jackson 3418424v.1